

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 12-14, 17, and 23-26 are pending. In the present amendment, Claims 12 and 23 are currently amended. Support for the present amendment can be found in the original specification, for example, at page 7, lines 13-19 and at page 11, lines 6-28. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 12, 23, 25, and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski et al. (U.S. Patent No. 4,431,138, hereinafter “Schiminski”) in view of Green (U.S. Patent No. 3,041,663), Schippers et al. (U.S. Patent No. 5,016,829, hereinafter “Schippers”), and Ideno et al. (U.S. Patent No. 4,511,095, hereinafter “Ideno”); Claims 13, 17, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Westrich (U.S. Patent No. 6,105,896); and Claims 14 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Sakurauchi et al. (Japanese Publication No. 06-329437, hereinafter “Sakurauchi”).

Claims 12 and 23 are hereby amended to more clearly define that the primary stroke movement is the movement by the positioning and guidance device to position and guide the at least one thread on the spindles and the secondary stroke movement is the movement of the spindle(s) linearly in forward and reverse directions along the first axis during winding of the at least one thread.¹ Thus, no new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

¹ See the original specification, for example, at page 7, lines 13-19 and at page 11, lines 6-28

Turning now to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Regarding the rejections under 35 U.S.C. § 103(a), it is noted that Claim 22 was rejected as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Sakurauchi. In the second paragraph on page 8, the Office Action acknowledges that “Schiminski et al. in view of Green, Schippers et al., and Ideno et al. is silent about a control and command device configured to ensure a regulation of speed and/or of position between a primary stroke movement of the positioning and guiding device and a secondary stroke movement of at least one of the spindles.” Instead, the Office Action relies on the computer 39 of Sakaurachi to cure this deficiency.

Schiminski describes a winding machine comprising a primary traversing yarn guide 3 which reciprocates in grooves 4 of the cross-spiraled roller 2. The yarn guide 3, positioned on the roller 2, AND the winding chuck 9.1 of Schiminski do not continuously move linearly in forward and reverse directions along the first axis during winding of the thread.

Schiminski therefore discloses imparting *only* a primary reciprocating movement to the thread. No secondary reciprocating movement is used continuously during winding of the thread.

The Advisory Action takes the position that the above “argument is not persuasive as the guide 3, part of the position and guidance device 1, does move linearly forward and backward.” Applicants agree that the guide 3 of Schiminski does move linearly forward and backward. However, in Schiminski, *only* the guide 3 moves according to a primary reciprocating movement and, since the roller 2 and the winding chuck 9.1 do not move linearly in forward and reverse directions, there is no secondary reciprocating movement.

The Advisory Action states that “Schiminski does disclose a device with primary and secondary movement,” but does not explain how Schiminski performs the secondary

movement. Further, the outstanding Office Action notes that “Schiminski et al. is silent about...a linear actuator configured to continuously drive the spindles in forward and reverse directions along the first axis during winding of at least one thread.” Instead, the Office Action relies on Green as describing a linear actuator to drive the spindles continuously in forward and reverse directions.

Green describes improvements for winding machines which impart both primary and secondary reciprocating movements. Green does not disclose or suggest how to improve a winding machine with a primary movement only. A person of ordinary skill in the art would therefore not find it obvious to combine Schiminski and Green.

Further, even if the person of ordinary skill in the art had decided to combine these references to move the winding chuck 9.1 of Schiminski based on Green, since Green describes that the traverse 24 (i.e. the yarn guide of Green) does not reciprocate, the person of ordinary skill in the art would have suppressed the reciprocating movement of the yarn guide 3 of Schiminski in favor of the movement of the winding chuck 9.1. However, such a transformation is not compatible with the operation of the auxiliary yarn guide 11, which uses the linear movement of primary yarn guide 3. The cited combination would therefore not be possible in any obvious way.

Regarding the combination of Schiminski and Green, the Advisory Action clarifies that “only the concept of moving the guide and spindle is being used as a teaching of Green in the combination not the particular traversing guide, and the auxiliary guide of Schiminski is already disclosed as movable. However, as discussed above, Schiminski does not disclose or suggest the secondary movement with the primary movement of the auxiliary guide 3 such that a person of ordinary skill in the art would not be able to combine just the auxiliary guide 3 of Schiminski with moving spindles. Instead, a person of ordinary skill in the art would have to look to the auxiliary guide of Green to see how to combine a guide with movable

spindles. As explained above, since Green describes that the traverse 24 (i.e. the yarn guide of Green) does not reciprocate, the person of ordinary skill in the art would have suppressed the reciprocating movement of the yarn guide 3 of Schiminski in favor of the movement of the winding chuck 9.1.

Moreover, the winding machine described in Schiminski is not compatible with a reciprocating movement of the winding chuck 9.1. Such movement would require the auxiliary yarn guide 11 to continuously follow the winding chuck 9.1, which would not allow in any obvious way the cooperation of the auxiliary yarn guide 11 with the primary yarn guide 3.

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would not find it obvious to modify the winding machine of Schiminski to include the secondary reciprocating movement of Green because such a combination would render the machine of Schiminski unsatisfactory for its intended purpose and thus there would not be a reasonable expectation of the success of the combination. See MPEP 2143.01.

Further, none of the other cited references cure this deficiency of Schiminski in view of Green. Concerning the modification of Schiminski based on Schippers, the retraction device of Schiminski is rotative and the person of ordinary skill in the art would therefore not consider replacing the rotative retraction device of Schiminski by the rotative retraction device of Schippers. Concerning the modification of Schiminski based on Ideno, Ideno describes using a reeling frame 7 which use is not compatible in any obvious way with a linear movement of the spindles.

Accordingly, in view of the above discussion, the combination of Schiminski in view of Green, Schippers, and Ideno does not disclose or suggest a winding machine that can perform the claimed primary and secondary movement. Thus, even if the computer 39 of Sakaurachi is added to this combination, such a computer would not regulate speed and/or

position between primary and secondary movements because the winding machine of the cited combination of references does not perform these movements.

Additionally, Sakaurachi describes the computer 39 as calculating the revolving speed and rolling-up time of the collet 4, and thus does not disclose or suggest that the computer 39 of Sakaurachi regulates speed and/or position between the primary and secondary movement. The Advisory Action takes the position that the above “argument is not persuasive as the regulation is an intended use and the computer of Sakaurachi is capable of regulating the controlling the primary and secondary movement disclosed by Schiminski.” However, the Advisory Action has not provided any evidence that the computer 39 is capable of controlling the claimed primary and secondary movement. Instead, as discussed above, the computer 39 of Sakaurachi is described as calculating the revolving speed and rolling-up time of the collet 4. Accordingly, the computer 39 of Sakaurachi can perform as described in Sakaurachi without controlling reciprocating movement of a positioning and guiding device and of spindles. Thus, the computer 39 of Sakaurachi is not explicitly or inherently capable of controlling the claimed primary and secondary movement. Accordingly, if the Office maintains the position that the computer 39 of Sakaurachi equates to the claimed control and command device, Applicants respectfully request that the Office provide some evidence that the computer 39 of Sakaurachi is capable of controlling the claimed primary and secondary movement.

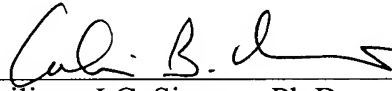
Further, it is respectfully submitted that the remaining secondary reference (Westrich) does not cure this deficiency of the above-discussed references.

Therefore, it is respectfully submitted that amended independent Claims 12 and 23 patentably define over the cited references. Accordingly, it is respectfully requested that the rejections of Claims 12 and 23, and all claims dependent thereon, be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Colin B. Harris
Registration No. 58,969